

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/581,407	MYRICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUAN D. VALENTIN	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/06/2008.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>04/20/2007</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>September 29, 2010</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____.</li> </ol> |
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## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tim A. Cassidy (Reg. No. 38,024) on September 29, 2010.

The application has been amended as follows:

- Claims 14-22 are canceled.
- Claim 1 has been replaced with the following:
  1. A method for analyzing matter comprising the steps of:
    - (a) introducing a liquid or gaseous matter into an optically reflective thin layer electrode, the electrode including a transparent base substrate with alumina film disposed thereon, the alumina film defining a plurality of pores therein, and a gold film disposed on the alumina film such that a quantity of the liquid or gaseous matter can enter at least one of the pores;
    - (b) applying a potential to the gold film such that the quantity of the liquid or gaseous matter in the pores is isolated from a remaining bulk of the liquid or gaseous matter disposed about the electrode; and

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(c) directing light from a source into the electrode from proximate the base substrate in a direction of the gold film, the gold film under the potential configured to reflect the light into the quantity of the liquid or gaseous matter in the pores for analysis of the reflected light; and

(d) monitoring the reflected light by taking a reflectance measurement.

- Claim 10 has been replaced by the following:

10. An optically reflective thin layer, comprising:

a transparent base substrate;

a film disposed on the base substrate, the film defining a plurality of pores therein; and

a reflective material disposed on the film such that the pores are exposed to atmosphere, the reflective material having a specular surface for reflection of light into the pores for taking measurements of a fluid isolated therein from the atmosphere;

wherein the reflective material is a specular gold film configured to reflect a light beam that has been transmitted from a direction of the base substrate into the quantity of fluid disposed in the pores;

wherein the quantity of fluid in the pores is monitored by specular reflectance spectroscopy, spectroelectrochemical analysis, interferometric analysis or combinations thereof.

***Allowable Subject Matter***

2. Claims 1-13 are allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art fails to disclose or make obvious “monitoring the reflected light by taking a reflectance measurement” and in combination with the other recited limitations of claim 1. Claims 2-9 are allowed by virtue of dependency on the allowed claim 1.

Regarding claim 10, the prior art fails to disclose or make obvious “monitoring the reflected light by taking a reflectance measurement” and in combination with the other recited limitations of claim 10. Claims 11-13 are allowed by virtue of dependency on the allowed claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUAN D. VALENTIN whose telephone number is (571)272-2433. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Toatley, Jr./  
Supervisory Patent Examiner, Art Unit 2877

Juan D Valentin II  
Examiner  
Art Unit 2877

/JDVII/  
September 29, 2010